

**Resolution Agreement  
Huntsville City Schools  
OCR Ref. 04-17-1390**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of a complaint against the Huntsville City Schools (District) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, OCR has not issued findings concerning issues of the above-referenced case number.

This Agreement does not constitute an admission of wrongdoing or liability by the District pursuant to Section 504 or Title II. Accordingly, to ensure compliance with Section 504 and Title II, and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

**Statement of Nondiscrimination**

1. The District will revise its *Student-Parent Information Guide* to include: (1) a statement prohibiting discrimination under Section 504/Title II; (2) the definition of a disability as referenced in the regulation implementing Section 504; (3) a commitment to work collaboratively with parents to ensure students with disabilities are not subjected to discrimination; (4) a statement of the location of the District's Section 504/Title II policies; and (4) the name(s)/title(s) and address, telephone, and email address contacts for the employee(s) designated to oversee compliance with Section 504.

**REPORTING REQUIREMENT:** By **July 6, 2018**, the District will (a) provide OCR with a copy of its proposed Student-Parent Information Guide, consistent with this Agreement, for OCR's review, comment and approval; and (b) within 60 calendar days after receiving OCR's approval of the procedure, the District will provide OCR with copies of one or more relevant publications in which the revised policy procedure was published, as well as links to its website evidencing publication, to include publication dates.

**Policies & Procedures**

2. The District will revise its *G-Tube/J-Tube procedure* (revision date July 7, 2017) to include additional language referencing the District's responsibilities under the Section 504 regarding the requirement to ensure nondiscrimination upon the determinations related to the educational setting, evaluation and placement of students with disabilities. The District will ensure that the additional language will include, at a minimum, the following:

- a. Notice to placement teams that, in its administration of the procedure, the teams must adhere to all Section 504 regulations to ensure that students with disabilities receive services in the regular educational environment to the maximum extent appropriate based on the needs of the student with the disability; that when evaluating data and making placement decisions for students with disabilities, information obtained from all sources is documented and carefully considered by the team; and that the placement decision is made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.
- b. The name(s)/title(s) and contact information for the person(s) responsible for the administration of the *G-Tube/J-Tube procedure* and resolving any conflicts between procedural guidelines and adherence to individualized education plans.

**REPORTING REQUIREMENT:** By **July 6, 2018**, the District will (a) provide OCR with a copy of its proposed *G-Tube/J-Tube procedure*, consistent with this Agreement, for OCR's review and approval; and (b) within 60 days after OCR's approval of the procedure, the District will provide OCR with copies of one or more relevant publications, in which the District's revised procedure was published, as well as links to its website evidencing publication, to include publication dates.

3. The District will revise its *Management Plan for Gastrostomy and/or Jejunostomy Tube (G-Tube/J-Tube)* form and remove the following language under the *Classroom* section: "No, student to be fed in the clinic, which provides a safe, private, and secure location, as determined by the licensed school nurse." The District will include language reflecting that, under non-emergency circumstances, the location of tube feedings is to be consistent with students' individualized education plans/Section 504 plans and Individualized Health Plans, as drafted by a group of persons knowledgeable about the students.

**REPORTING REQUIREMENT:** By **July 6, 2018**, the District will (a) provide OCR with a copy of its proposed *G-Tube/J-Tube* form, consistent with this Agreement, for OCR's review and approval; (b) within 60 days after receiving OCR's approval, the District will adopt and implement the form, provide all teachers, staff, and students, as well as their parents or guardians with written notice regarding the revised form together with information on how to obtain a copy of the form; and also provide OCR with copies of one or more relevant publications and/or references to links on the District's websites on which the information appears.

4. The District will establish a procedure for pre-approval by the District's Superintendent or his/her designee prior to implementing district-wide policies relating to Section 504 or Title II, and/or impacting individuals with disabilities. The procedure will also include the District's process for notifying teachers, staff, and students (as well as their parents or guardians) of the district-wide policy or procedure. The process should identify at a minimum:
  - a. The approval process, to include consultation with the District's Section 504 Coordinator and/or Special Education Supervisor, as well as Supervisor or designee signature prior to the implementation of new District-wide policies or procedures.

- b. An assurance that that the District will provide notice to the District's Section 504 Coordinator, Special Education Supervisor and appropriate District staff, as well as students, including their parents/guardians, of any new policies/procedures, identifying the effective date and the location of the policies/procedures on the District's websites.

**REPORTING REQUIREMENT:** By July 6, 2018, the District will (a) provide OCR with a copy of its proposed process and procedure in accordance with Item 3 of this Agreement, for OCR's review, comment and approval; and b) within 60 days after OCR's approval of the policy and procedure developed in accordance with this item of the Agreement, the District will provide OCR copies of one or more relevant publications and websites in which the District's revised process and procedure is published, and also provide publication dates and references to links on the District's websites where the information appears.

### **Staff Training**

5. The District will provide Section 504/Title II training for all District teachers and administrators, to include the Section 504 Coordinator, Special Education Supervisor and Health Services staff, and any other District personnel responsible for implementing special education-related policies and procedures to ensure that staff are trained on the new policy and form drafted in accordance with this Agreement, and are trained on the requirements to provide a free appropriate public education pursuant to Section 504. The training shall be conducted by an individual knowledgeable of Section 504 and Title II.

The training should include, at a minimum, the District's responsibilities under Section 504 to:

- a. provide a free and appropriate public education to include the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled persons;
- b. provide special education and related services with nondisabled individuals to the maximum extent appropriate to the needs of the individual with the disability;
- c. ensure that when evaluating data and making placement decisions for individuals with disabilities that information obtained from all sources is documented and carefully considered; and
- d. ensure that placement decisions are made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

**REPORTING REQUIREMENT:** By July 6, 2018, the District will provide OCR with a report demonstrating implementation of Action Item 5 and its subparts. In particular, the District will provide documentation indicating the date(s) of the training(s), the attendees' names and job titles, the name(s) and qualifications of the trainer(s), the agenda, and copies of the training materials.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this

Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. §§ 104.33 - 104.35, and Title II and its implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title